

Applicant : Gregg D. Wilensky
Serial No. : 09/747,945
Filed : December 21, 2000
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Attorney's Docket No.: 07844-484001 / P448

REMARKS

Claims 1-98 are pending and stand rejected, of which claims 1, 20, 49, 50, 51, and 98 have independent form. Applicant amended claims 1, 3, 7, 15, 20, 22, 34, 39, 40, 49, 50, 51, 53, 65, 71, 83, and 98. Applicant respectfully requests reconsideration in view of the amendments and the following remarks.

STATEMENT OF SUBSTANCE OF THE INTERVIEW

Applicant thanks the Examiner for the courtesy of an interview held on April 26, 2005. Applicant's counsel, Tim Pham, and Examiner Tung Vo participated. The participants discussed the advisory action of March 29, 2005 and, in particular, claim 1 and U.S. Patent No. 6,570,624 B2 to Cornog et al ("Cornog"). The participants agreed that Cornog does not disclose or suggest the border regions recited in claim 1. The participants discussed amendments to clarify claim 1, which amendments the participants agreed is not required to overcome Cornog. The participants agreed that the Examiner will withdraw the finality of his rejections, that Applicant should submit a second amendment to the final office action of December 13, 2004, and that the Examiner will enter and consider the amendment.

SECTION 103 REJECTIONS

In the advisory action of March 29, 2005, the Examiner appeared to recognize that U.S. Patent No. 6,721,446 to Wilensky et al. ("Wilensky") was properly disqualified as prior art pursuant to 35 U.S.C. 103(c). Applicant respectfully submits that rejections made in reliance of Wilensky should thus be withdrawn.

The Examiner, however, maintained his rejection of claim 1, which recites "a first border region that includes a border between a foreground portion and a background portion of a first digital image, . . . the first border region further including only a part of the foreground portion and only a part of the background portion." To maintain his rejection, the Examiner relied on the combination of U.S. Patent No. 6,128,046 to Totsuka et al. and Cornog, the combination of U.S. Patent No. 5,912,994 to Norton et al. and Cornog, and the combination of U.S. Patent No. 6,429,875 B1 to Pettigrew et al. and Cornog. In particular, the Examiner contended, in the

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advisory action, that FIGS. 4A and 4B of Cornog discloses the border regions of claim 1. However, as the Applicant and the Examiner agreed in the recent interview (held after issuance of the advisory action), Cornog does not disclosed or suggest the border region recited in claim 1. In particular, Cornog does not disclose or suggest "a first border region that includes a border between a foreground portion and a background portion of a first digital image, . . . the first border region further including only a part of the foreground portion and only a part of the background portion," as recited by claim 1. For at least this reason, Applicant respectfully submits that claim 1 and claims depending from claim 1 are in condition for allowance.

Independent claims 20, 49, 50, 51, and 98 each recites border regions similar to those of claim 1. Applicant respectfully submits that for at least the reason discussed above for claim 1, claims 20, 49, 50, 51, and 98 and their dependent claims are in condition for allowance.

CLAIM AMENDMENTS

To provide clarification only, Applicant amended claim 1, which now recites, in addition to the above discussed limitations, "the border consisting of pixels that include contributions from the foreground portion and the background portion." Support for the amendment can be found in the specification at page 8, lines 24-26. As the Examiner and Applicant discussed, the amendment simply provides clarification and does not introduce new issues. Thus, Applicant respectfully submits that the amendment should be entered.

Applicant made similar amendments to the other independent claims. Additionally, Applicant amended the dependent claims either to maintain consistency with their respective independent claims, to provide clarification, or to correct minor errors. Applicant respectfully requests that these amendments be entered.

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CONCLUSION

Applicant respectfully requests that all pending claims be allowed. Please apply \$120 for a one month extension of time and any other appropriate charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: April 29, 2005



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